

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEVE MEDINA,	:	
	:	Civil Action No. 05-4293(RBK)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
STEVEN MORTON, et al.,	:	
	:	
Defendants.	:	

For the reasons set forth in the Court's Opinion filed herewith,

IT IS on this 17th day of March, 2006,

ORDERED that, pursuant to 28 U.S.C. § 1915(a) and (b), plaintiff's application to proceed in forma pauperis is hereby granted; and it is further

ORDERED that the Clerk of the Court shall file the Complaint without prepayment of fees; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b), the Clerk shall serve a copy of this Order by regular mail on the United States Attorney for the District of New Jersey and on the Warden of F.C.I. Fort Dix; and it is further

ORDERED that plaintiff is assessed a filing fee of \$250.00 which shall be deducted from his prison account pursuant to 28 U.S.C. § 1915(b)(2) in the manner set forth below, regardless of the outcome of the litigation; and it is further

ORDERED that, pursuant to 28 U.S.C. § 1915(b)(2), until the \$250.00 fee is paid, each month that the amount in plaintiff's prison account exceeds \$10.00, the agency having custody of plaintiff shall assess, deduct from his account, and forward to the Clerk payments equal to 20% of the preceding month's income credited to plaintiff's prison account, with each payment referencing the civil docket number of this action; and it is further

ORDERED plaintiff's denial of disciplinary due process claims seeking an invalidation of his prison disciplinary proceedings shall be SEVERED and treated as a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (the "2241 Petition"); and it is further

ORDERED that the Clerk of the Court shall assign the § 2241 Petition a separate docket number; and it is further

ORDERED that, in connection with the § 2241 Petition, the Clerk of the Court shall file in that action a copy of the Complaint and application for in forma pauperis status, this Order, and the Opinion filed herewith; and it is further

ORDERED that, in connection with the § 2241 Petition, the petitioner's application to proceed in forma pauperis is granted; and it is further

ORDERED that, in connection with the § 2241 Petition, the petitioner is granted leave to file an amended petition under 28

U.S.C. § 2241, naming his custodian or warden as the respondent pursuant to 28 U.S.C. § 2242; and it is further

ORDERED that the Complaint seeking money damages is DISMISSED WITHOUT PREJUDICE to plaintiff reinstating such damages claims in the event the underlying prison disciplinary proceeding is set aside in the future; it is further

ORDERED that the Clerk shall close the file in this matter accordingly.

S/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge